Reference No. : 14/1/4-320/2024

ORDER OF A CHILDREN'S COURT
CHILDREN'S ACT 38 OF 2005
REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF JOHANNESBURG WEST HELD AT ROODEPOORT

PARTICULARS OF CHILD/REN	
Full names and Surname	**X'alli-anne Angelena Ngutjiua Tjiroze**
Identity number/ DOB	**2010/01/26**
Gender	**Female**

PARTICULARS OF APPLICANT/ PARTY	
Full names and Surname	**Hitjevi Obafemi Tjiroze**
*Identity number/ DOB	**790617 6036 086**
Capacity	**BIOLOGICAL FATHER**
Address	**32 Foxglove Avenue Wilro Park**

PARTICULARS OF RESPONDENT/ PARTY	
Full names and Surname	**Gillian Pickering**
*Identity number/ DOB	**26 January 1978**
Capacity	**BIOLOGICAL MOTHER**
Address	**Last known address: Erf 192 Kestrell Street Hochland Windhoek Namibia**

BEFORE **A DAVIE** Presiding Officer of the Children's Court
on the **18th day of April 2024:**

The matter has been on the court roll thrice, the respondent has not aviled herself for any of the appearances. On the last two occasions there has been legal representation, Ms Spangenberg and Mr Bowen. No reasons for the respondent's absence has been placed on record and the court has not been taken into the respondent's confidence in this regard. On 18 April 2024 the matter was postponed finally for the respondent as well as for argument. The firm of Wynand du Plessis applied for copies of the contents of both the files on 11 April, however the firm nor the respondent was in position to argue the matter today. It must be taken into account that on 13 September 2023, after intense investigation by Adv Lizelle Erasmus from the Family Advocates' Office, this court made the following order:

"The recommendations of the Family Advocate are made an order of court. The Respondent places no objections on record.

1. Both parents to retain full parental responsibilities and rights in respect of the above-mentioned child as contained in Section 18(2)(a)(b)(c) and (d) of the Children's Act 38 of 2005 , these include the responsibility and the right to care, maintain contact and maintain the child. Both parents are the guardians to the child.

2. Primary residence of the children is with the applicant.
3. The respondent is to have contact with the minor child but owing to the current relationship between the respondent and the child, the child is to

   3.1 Undergo individual counselling to deal with any emotional challenges she experiences as an individual.
   3.2 Thereafter, a mental health professional must be approached to conduct Bonding therapy between the respondent and the child with the intent to restore their relationship. Bonding therapy to be considered once the therapist has assessed minor child's readiness for bonding therapy.

4. Contact to be implemented once bonding has successfully been achieved."

Marie E Pelser, psychologist had consultations with the above-mentioned child. She submitted a feedback report wherein she reported that the above-mentioned child told her that "X'alli-anne is anxious and stressed [with regards her relationship with her mother]. She recalls how her mom, sometime when they had contact at a meeting with the family advocate, called her a robot and saying she was brainwashed. X'alli-anne is fearful of the possibility of being forced to have regular contact with her mother. She verbali[zed] that she [was] afraid that she will be disappointed again and that this will interfere with her academic performance." From Ms Pelser's assessment she found that "X'alli-anne is not ready with bonding therapy with her mother."

The minor child consulted with Mrs Reddy (Legal Aid Practitioner) on 8 February 2024 and informed her that she does not want to have contact with her mother.

After taking all the information into account the non-appearance of the respondent without any reasons being supplied the court orders that:

Taking into account the best interests of the child, the lack of a relationship between the child and the respondent and the degree of commitment the respondent has shown the child:-

The Court makes the following order in terms of Section 28(1)(a) of the Children's Act 38 of 2005 as amended by the Children's Amendment Act 17 of 2022:

1. **The guardianship of Gillian Janine Pickering in respect of X'alli-anne Angelena Ngutjiua Tjiroze are terminated.**
2. **Hitjevi Obafemi Tjiroze is the sole guardian of X'alli-anne Angelena NgutjiuaTjiroze.**

Rights to appeal placed on record.

GIVEN at **Roodepoort** (place) on this **18th day of April 2024.**

.....
Presiding Officer of the Children's Court

Private Bag X1, Roodepoort 1725
2024 -04- 18
MG-ROODEPOORT-07